

Order

Michigan Supreme Court
Lansing, Michigan

December 14, 2007

Clifford W. Taylor,
Chief Justice

130376

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

DONALD McLEAN and CHRISTINE
McLEAN, Co-Personal Representatives
of the Estate of Karen McLean, Deceased,
Plaintiffs-Appellants,

v

SC: 130376
COA: 257540
Chippewa CC: 03-006994-NH

ROBERT B. McELHANEY, M.D.,
MAUREEN PHENIX, MSW, CSW,
SAMUEL W. HARMA, and HIAWATHA
BEHAVIORIAL HEALTH,
Defendants-Appellees.

By order of April 4, 2007, the application for leave to appeal the December 13, 2005 judgment of the Court of Appeals was held in abeyance pending the decision in *Mullins v St Joseph Mercy Hosp* (Docket No. 131879). On order of the Court, the case having been decided on November 28, 2007, ___ Mich ___ (2007), the application is again considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and REMAND this case to the Chippewa Circuit Court for entry of an order denying the defendants' motion for summary disposition and for further proceedings not inconsistent with this order and the order in *Mullins*. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.



11211

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 14, 2007

Corbin R. Davis

Clerk